IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Misc. Transfer Application No. 21 of 2005

Jagdish Chandra Walia
S/o Late Ramswaroop
R/o 247 Khudbuda
Police Station Khudbuda
District Dehradun … Applicant

Versus

1. State of Uttaranchal through
Home, Secretary Uttaranchal, Dehradun
2. Arunesh Chandra Gautam
S/o Sri Shyam Bihar Lal Gautam
R/o 407 Mohalla Emali
Police Station Kankhal
District Haridwar … Opp. Parties

Hon'ble B.C. Kandpal, J.

This is the application under Section 407 of the Criminal Procedure Code for transfer of Criminal Revision No. 701 of 2002 Jagdish Chandra Walia Vs State of Uttaranchal pending in the court of Additional Sessions Judge/Vth F.T.C., Haridwar to any other District preferably, Dehradun.

Brief facts giving rise to this petition are that the petitioner is a resident of Dehradun and he has filed an application under Section 156 (3) Cr.P.C. against Arunesh Chandra Gautam and Smt. Premwati before the court of C.J.M., Hardwar. This application was dismissed on 01.11.2002 by the learned C.J.M.

The petitioner thereafter challenged the order dated 01.11.2002 by way of revision before the Additional Sessions Judge/Vth F.T.C., Hardwar.

The sole ground for transfer of the case has been mentioned by the petitioner in the application is that he has an apprehension about the injustice from the court concerned.

Heard learned counsel for the applicant and perused the record.

The argument advanced by the learned counsel for the applicant appears to be without any force.

The applicant has not mentioned anything in his petition that what type of apprehension he has in his mind about the injustice to be caused to him from he court concerned. It is the petitioner, who himself has filed the application under Section 156(3) Cr.P.C. before the court of C.J.M., Hardwar. Therefore, he has not elicited any sufficient ground for transferring the case from District Hardwar to any other District at this stage.

In case, if the petitioner does not want to get the revision decided from the court concerned, he may move the application for the transfer of the revision before the court of learned Sessions Judge, Hardwar, who shall decide the application in accordance with the law. However, to my mind, there is no ground for transferring the case from the District Hardwar to any other District.

The petition lacks merits and is liable to be dismissed.

Accordingly, the petition filed under Section 407 Cr.P.C. is dismissed.

(B.C. Kandpal, J.)

24.11.2005
ASWAL